

FORTY-NINTH LEGISLATURE
FIRST SESSION

March 10, 2009

HOUSE FLOOR AMENDMENT number 1 to HOUSE BILL 554

Amendment sponsored by Representative Roberto "Bobby" J. Gonzales

1. On page 4, lines 11 and 12, strike Section 3 in its entirety and insert in lieu thereof the following new sections:

"Section 3. Section 7-16A-10 NMSA 1978 (being Laws 1992, Chapter 51, Section 10, as amended by Section 2 of this act) is repealed and a new Section 7-16A-10 NMSA 1978 is enacted to read:

"7-16A-10. [NEW MATERIAL] DEDUCTIONS--SPECIAL FUEL EXCISE TAX--SPECIAL FUEL SUPPLIERS.--In computing the tax due, the following amounts of special fuel may be deducted from the total amount of special fuel received in New Mexico during the tax period, provided that satisfactory proof thereof is furnished to the department:

A. special fuel received in New Mexico, but exported from this state by a rack operator, special fuel supplier or dealer, other than in the fuel supply tank of a motor vehicle or sold for export by a rack operator or distributor; provided that, in either case:

(1) the person exporting the special fuel is registered in or licensed by the destination state to pay that state's special fuel or equivalent fuel tax;

(2) proof is submitted that the destination state's special fuel or equivalent fuel tax has been paid or is not due with respect to the special fuel; or

(3) the destination state's special fuel or equivalent fuel tax is paid to New Mexico in accordance with the terms of an agreement entered into pursuant to Section 9-11-12 NMSA

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1978 with the destination state;

B. special fuel sold to the United States or any agency or instrumentality thereof for the exclusive use of the United States or any agency or instrumentality thereof. Special fuel sold to the United States includes special fuel delivered into the supply tank of a government-licensed vehicle;

C. special fuel sold to the state of New Mexico or any political subdivision, agency or instrumentality thereof for the exclusive use of the state of New Mexico or any political subdivision, agency or instrumentality thereof. Special fuel sold to the state of New Mexico includes special fuel delivered into the supply tank of a government-licensed vehicle;

D. special fuel sold to an Indian nation, tribe or pueblo or any agency or instrumentality thereof for the exclusive use of the Indian nation, tribe or pueblo or any agency or instrumentality thereof. Special fuel sold to an Indian nation, tribe or pueblo includes special fuel delivered into the supply tank of a government-licensed vehicle;

E. special fuel dyed in accordance with federal regulations;

F. special fuel that is number 2 diesel fuel sold for the generation of power to propel a vehicle authorized by contract with the public education department as a school bus; provided that the fuel has a distillation temperature of five hundred degrees Fahrenheit at a ten percent recovery point and six hundred forty degrees Fahrenheit at a ninety percent recovery point; and

G. special fuel received in New Mexico on which New Mexico special fuel excise tax was paid by the out-of-state terminal at which the special fuel was loaded, provided that documentation that the special fuel was to be imported into New Mexico was provided to

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the terminal operator by the person receiving the fuel."

Section 4. DELAYED REPEAL.--Section 1 of this act is repealed effective July 1, 2014.

Section 5. EFFECTIVE DATES.--

A. The effective date of the provisions of Sections 1 and 2 of this act is July 1, 2009.

B. The effective date of the provisions of Section 3 of this act is July 1, 2014."

Roberto "Bobby" J. Gonzales

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____